

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CAROLYN M. KLOECKNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:09CV804 DJS
	)	
HILDA L. SOLIS, U.S. Secretary of Labor,	)	
	)	
Defendant.	)	

**MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION,**  
**OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

COMES NOW Defendant Hilda L. Solis, Secretary of the United States Department of Labor, by and through her attorneys, Michael W. Reap, Acting United States Attorney for the Eastern District of Missouri, and Stephen S. Davis, Assistant United States Attorney for said District, and pursuant to FED. R. CIV. P. 12(b)(1), respectfully moves this Honorable Court to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction. In the alternative, Defendant moves, pursuant to FED. R. CIV. P. 56, for summary judgment. In support of her motion, Defendant submits the accompanying memorandum of law and statement of uncontroverted material facts.

Respectfully submitted,

MICHAEL W. REAP  
Acting United States Attorney

*/s/ Stephen S. Davis*  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2009, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following. I further certify that on July 2, 2009, the foregoing was sent via U.S. mail, postage pre-paid, to the following:

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*/s/ Stephen S. Davis*  
STEPHEN S. DAVIS  
Assistant United States Attorney